

REMARKS

This communication is in response to the Office Action mailed on January 10, 2007. The Office Action reports that further information is requested regarding the apparatus submitted in the Information Disclosure Statement filed October 26, 2006. As stated in the Information Disclosure Statement, the apparatus sold was a telescoping tube assembly mast. The mast is substantially similar to mast 12 as described in the specification. In particular, the mast was substantially similar to that shown in FIG. 8. As illustrated in FIG. 8, the mast included nested tube sections, each section comprising a rigid plate with a U-shaped plate assembly formed of overlapping wall plates with damping material disposed therebetween running along the length of the wall plates. Overtravel stops as depicted in FIG. 6 were included.

It should be noted once again that the apparatus described in the prior Information Disclosure Statement was only for a mast and not for a bridge as described in the present application and claimed by claims 57 and 58.

Further information was also requested regarding the active damper. The active damper did not extend along the length of the overlapping segments, but rather, was mounted at a remote end of the mast when extended. The active damper comprised an oscillating mass.

It is believed that the Applicant has answered all questions presented in the Office Action. However, if the Office requires further information, Applicant will be glad to assist.

The Office Action next reports that claims 53-63 and 65-69 were indefinite citing that claim 53 included limitations already cited in claim 12 and that claim 65 included the

limitations already recited in claim 64. With respect to claim 53, Applicant respectfully notes that this claim recites that the housing is U-shaped in cross-section. It is believed that claim 12 does not specifically recite that the housing is u-shaped. Thus, claims 12 and 53 are in proper form. With respect to claim 65, Applicants have amended claim 64 to recite that the damping material is disposed "in a region substantially along the length..." It is believed this change clarifies the difference between the structures recited in claim 64 and claim 65.

The Office Action next reports that claims 12-21 and 53-69 were rejected under 35 U.S.C. §102(b) as being anticipated by the sale of the apparatus as indicated in the Information Disclosure Statement filed October 26, 2006. Applicant respectfully believes that the sale of the apparatus does not constitute a bar under 35 U.S.C. §102(b) because the contract was not for a passive damper, but rather only for an active damper. The passive damper was included for experimental purposes. Furthermore, claims 57 and 58 pertain to a gantry bridge and not to a telescoping mast.

The Office Action next reports that claims 12-15, 18, 20, 53, 54, 64-66 and 69 were rejected under 35 U.S.C. §102(b) as being anticipated by Granryd (U.S. Patent 4,168,008). Granryd teaches or describes a telescopic crane boom having corrugated boom sections. As stated at column 4, lines 40-49,

The top wall T1 and bottom wall B1 of base section 31 are fabricated of relatively thick solid steel plate. However, the side walls S1 of base section 31, and the top, bottom, and side walls of the other boom sections 32, 33, 34 are each fabricated of combinations of flat sheet metal members, herein described, and longitudinally extending corrugated sheet metal members, such as the number 50, 50A, 50B shown in

FIGS. 6-8, respectively, spot welded thereto as hereinafter described.

The Office Action reports that element 50 comprises damping material. However, in view of the foregoing, Applicant respectfully submits that element 50 is a corrugated sheet metal member. It is not known how the sheet metal member comprises a damping material as recited in the claims.

With this Amendment, Applicant has added dependent claim 70, which depends from claim 58 and recites means for joining each of the moveable trucks to ends of the housing and plate.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

An extension of time is hereby requested for responding to the Office Action. An online charge authorization for the extension of time fee is included herewith.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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